

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**JOSHUA ASHLEY and KATIE
ASHLEY,**

Plaintiffs,
v.
WALMART, INC.,
Defendants.

No. 3:19-cv-01115-SB
OPINION AND ORDER

MOSMAN, J.,

On April 20, 2021, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F. & R.) [ECF 57]. Judge Beckerman recommended that I deny Defendant Walmart, Inc.'s motion for partial summary judgment. Walmart filed objections. Upon review, I agree with Judge Beckerman.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's findings and recommendation, and I ADOPT the F. & R. [ECF 57] as my own opinion. I DENY Walmart's Motion for Partial Summary Judgment [ECF 35].

IT IS SO ORDERED.

DATED this 15 day of June, 2021.



MICHAEL W. MOSMAN
United States District Judge